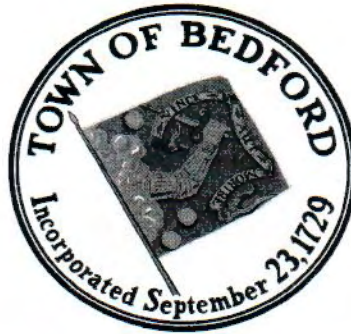


**TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS**



**RULES AND REGULATIONS
OF THE SHAWSEEN CEMETERY**

**ISSUED BY
THE BEDFORD SELECTMEN
AND ADMINISTERED THROUGH
THE DEPARTMENT OF PUBLIC WORKS**

Adopted and Approved:

BEDFORD SELECTMEN

DATED: December 19, 2016

SHAWSHEEN CEMETERY CONTACT LIST

Cemetery: Shawsheen Cemetery
One Shawsheen Road
Bedford, MA 01730

Hours: Sunrise to sunset

Administration Office: Department of Public Works

Mailing Address: Town of Bedford
Department of Public Works
314 Great Road
Bedford, MA 01730
Telephone: 781-275-7605
Fax Number: 781-275-9010

Director of Public Works: David Manugian

Operations Manager
Grounds Division: Dennis Freeman

Hours: 8:00 a.m. - 4:00 p.m.

Internet Addresses: www.bedfordma.gov

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1. HISTORY

The Shawsheen Cemetery was established in 1849. The Town of Bedford Department of Public Works' mission is to preserve the Shawsheen Cemetery's historical heritage and serene atmosphere, while providing professional burial services for present and future generations. The Grounds Division is the section of the Department of Public Works with the direct operational responsibility. Shawsheen Cemetery is nondenominational. Lots and graves are sold only to residents of the Town of Bedford.

On September 27, 1973, the Bedford Selectmen adopted the resolution to abolish the "Cemetery Commission" and transferred power and authority of cemetery operations to the Director of Public Works or his duly authorized representative. The Department of Public Works oversees the maintenance and administration of Shawsheen Cemetery for the purpose of providing a peaceful and quiet atmosphere for families and loved ones.

The Shawsheen Cemetery operates in accordance with Federal Regulations of OSHA, ADA and EPA. On the State level, the cemetery conforms to the regulations of Massachusetts General Law, Chapter 114 and regulations enforced by the Department of Health and Human Services.

2. INTRODUCTION

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the Town of Bedford Selectmen and Department of Public Works, as the rules and regulations of Shawsheen Cemetery.

All lot owners and visitors within the cemetery, and all lots sold shall be subject to said rules and regulations, and subject further, to such other rules and regulations, amendments or alternations as shall be adopted by the Town of Bedford from time to time. Reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as set forth in full therein. The Department of Public Works, subject to the approval of the Selectmen, may make such rules and regulations consistent with the law and the Town of Bedford's by-laws, as it deems expedient.

Although the gates at Shawsheen Cemetery are open year round, all inquiries must be made directly to the Department of Public Works whose office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m. Interments at Shawsheen Cemetery are generally performed on weekdays. Under request and based on staff availability, interments can be performed on Saturday mornings for funerals arriving by 11:00 AM. Interments are not made on Sundays (except for those located in the Jewish Sections and arriving by 11:00 AM) or on the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas. Extra service charges apply for all funerals on Saturdays, Sundays and holidays.

3. GENERAL CARE OF LOTS

Oversight of Shawsheen Cemetery operations comes under the direction of the Town of Bedford's Department of Public Works to provide reasonable care and maintenance within the cemetery including (but not limited to) the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, the pruning of common area shrubs and trees, snow plowing and making general repairs to the grounds as necessary.

The general care assumed by the Department of Public Works shall in no case mean the maintenance, repair or replacement of any monuments, markers, structures or memorials installed at any grave or lot. Any flowers or shrubs planted by lot owners upon any lot or grave remain the responsibility of the lot owner. Lot owners are expected to remove all seasonal decorations promptly during the designated time. However, the Department of Public Works reserves the right to remove any private shrub or flowers that have become overgrown or unsightly.

The Department of Public Works shall be responsible to enforce the rules and regulations affecting the property and grounds of the cemetery.

4. POWERS AND DUTIES

The Department of Public Works may lay out any existing public burial ground or any land purchased and set apart by the Town for such cemetery lots or other suitable subdivisions with proper paths and avenues. The Department of Public Works may plan, embellish, ornament, fence and erect therein such suitable edifices and conveniences and make such improvements as it considers necessary.

The Department of Public Works will take all reasonable precautions to protect lot owners and the burial rights of lot owners, within the cemetery from loss or damage; but, the Town disclaims all responsibility for loss or damage from causes beyond its reasonable control, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, insurrections, riots, or order of the military or civil authorities, whether the damage is direct or collateral, other than as herein provided.

The right to enlarge, reduce or change boundaries or grading of the cemetery, or a section(s), from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, walks, or any part of it is hereby reserved. The right to lay, maintain or operate or alter or change pipe lines, gutters, sprinkler systems and drainage is also expressly reserved, as well as the right to use cemetery property where burial rights have not been sold to individual lot owners for cemetery and other approved Town purposes, including interment of the deceased, incidental or convenient thereto. The Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over the graves the purpose of passing to and from other graves.

5. PURCHASE OF GRAVES/ CREMATION LOTS AND CONVEYANCES

Only current Town of Bedford residents qualify to purchase a lot(s) or grave(s) within Shawsheen Cemetery. Lots and Graves of Shawsheen Cemetery are not transferable to non-residents. The first interment in any multiple grave lot must be a resident of the Town of Bedford, the lot owner or the child of the lot owner. In order to be certain of residency, the Department of Public Works will require three (3) forms of identification. In the event of a long time resident leaving Bedford after a minimum of ten (10) years of residing within Bedford, shall, within four (4) years of leaving, qualify to purchase a maximum of two single graves at a cost twenty percent (20%) over the present charge. Proof of earlier residency, satisfactory to the Director of Public Works will be required.

A maximum of four (4) graves are allowed to be sold to any resident. Each single grave may contain no more than the combination of one (1) full-earth burial with one (1) cremation burial (provided that the full earth burial is first), or two (2) cremation burials.

A cremation lot may contain no more than four (4) cremation burials with one (1) 1x3 Family flush marker.

A lot(s) or grave(s) must be paid in full at the time of purchase. The final purchase price includes perpetual care.

Owners of unused complete lot(s) or single grave(s) in designated single grave sections of the cemetery may only convey the executive right of burial to the Town of Bedford at the same price as originally paid.

The purchase of a lot or grave is only for the exclusive right of burial, and only under the conditions of these regulations. All conveyances of the exclusive right of burial in any lot or grave in Shawsheen Cemetery shall be by deed made and executed in such manner and form as the Department of Public Works may for time to time prescribe.

The conveyance of burial rights shall be made subject to the provision that a percentage of the purchase price to be determined from time to time by the Department of Public Works shall be placed into a fund to be known as the Perpetual Care Fund. Money set aside by the Department of Public Works for the Perpetual Care Fund shall be deposited with the Treasurer of the Town of Bedford. A Trust Fund is established for donations.

6. DESCENT OF TITLE

The laws of the Commonwealth of Massachusetts govern the descent of title to cemetery lots as well as other matters pertaining to the assignments, conveyances, devises, trust deeds and inalienability.

7. FUNERAL DIRECTORS

Funeral Directors are to communicate and provide the following documents to the Department of Public works prior to any interment: permit, transport, fees paid in advance, cremation certificate and deed to lot. The use of telephone conversation is not adequate for this provision. Funeral Directors are cautioned about placing any obituary notices in the newspaper prior to being granted approval by the Department of Public Works for the interment date and time.

8. INTERMENTS

All funerals entering The Shawsheen Cemetery shall be under the control and charge of the Department of Public Works.

The Department of Public Works requires a 24 hour weekday notice be given before an interment from April 1st to October 31st. A minimum of 48 hour weekday notice is required for the period November 1st to March 31st.

The Department of Public Works does not provide Pall Bearers.

Once a casket containing a body is within the confines of the Shawsheen Cemetery, neither funeral director nor his embalmer, assistant, employee or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

When an interment is to be made, the specific grave for the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the Department of Public Works reserves the right to make the interment in an appropriate location.

The employees of the Department of Public Works are the only persons allowed to open graves with the following exceptions:

1. When the Cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Department of Public Works.
2. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Department of Public Works his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents.

The right is reserved by the Department of Public Works to require at least 48 hours weekday notice (with complete information) prior to any disinterment or removal.

No interments shall be made in any lot or grave in Shawsheen Cemetery until the Department of Public Works shall have been furnished with such permits as may be required by the laws of the Commonwealth of Massachusetts or of the city or town from which the deceased may be brought, nor shall any body be interred in any such grave or

lot in which exclusive burial rights have been conveyed until the Department of Public Works shall have been furnished with an order from such owner or his legal representatives for said interment. No interment shall be made unless all charges against said lot or grave and all fees for such interment have been paid.

The Department of Public Works will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.

Producing of the deed for the exclusive burial right in any lot or grave shall be considered as authority for the opening of a grave. Any person ordering an interment will be held responsible for any and all expenses resulting from said order.

Due to weather conditions it may be necessary to postpone or delay graveside services and/or interment of the deceased. The final decision to postpone graveside services and/or interment shall be made by the Director of Public Works or his designee.

9. BURIAL CONTAINERS

It is required that all full-earth burials must be made in a puncture-proof and rigid outer burial vault constructed of reinforced concrete that is designed to resist deterioration. All covers shall be one piece. All such containers must be so made and installed as to meet specifications established by the Department of Public Works.

All vaults shall be installed under the direction of the Funeral Director. After the burial the cover must be installed immediately by the vault company under the direction of the Funeral Director.

10. CEMETERY DECORATIONS

No bushes, shrubs or flowers are to be planted in flush marker sections. A potted plant, smaller in diameter than the smallest dimension of the flush marker, may be placed directly upon the flush marker. Flower beds, limited to a 12" area directly in front of an above ground marker, are allowed. Flowerbeds are not allowed in any flush marker section. Artificial flowers are not permitted to be placed anywhere throughout the cemetery.

No grave adornments of any kind are allowed, including fences, ditches, curbs, stones, boxes, urns or granite enclosures.

No lights are allowed whatsoever, including candles, vigil lights, solar lights, strings of lights, or any type of light that is operated with a battery or battery pack.

No shepherd hooks or other items are allowed that would compromise the safety of the ground crew as maintenance routines are carried out.

No devices which create sound are allowed to be installed in monuments and flush markers or left at graveside.

Potted plants, flowers, baskets and cemetery logs are allowed on any given holiday or on a day that signifies a special occasion, i.e. anniversary or birthday. Wreaths or sprays of evergreens will be allowed during the Christmas/Holiday season.

All decorations must be removed by lot owner starting 10 days after a holiday or special occasion and may be subject to removal if it becomes unsightly before 10 days are up.

The cemetery will not be responsible for, or damage to, any flowers, decorations, holders, statues, receptacles or any type of memorializing item that is left at a grave. Due to the open public access that the Shawsheen Cemetery enjoys, the Department of Public Works suggests not placing items of any actual or personal worth at the grave.

11. PLANTS AND SHRUBS

The Department of Public Works does not maintain the individual plantings, urns or plants planted or placed on lots. There shall be no individual beds of shrubbery or flowers allowed on any area outside of the specific lot areas unless installed by the Department of Public Works.

The Department of Public Works shall not be responsible for any kinds of planting damaged by the elements, vandals, and thieves or by other causes beyond its control. The Department of Public Works shall have the further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the Department of Public Works, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards required.

The Department of Public Works places American flags on all veterans' graves for Memorial Day and removes them one week later. After receiving permission from the Director of Public Works, civic organizations such as the Bedford Minutemen and Masons may place small flags or markers at gravesites of deceased members during this same period.

Funeral flowers, including flowers left at the cemetery at other times, will be removed by the Department of Public Works when they become withered. Digging of any kind by anyone other than employees of the Department of Public Works is absolutely prohibited.

12. MONUMENTS

In certain designated areas of Shawsheen Cemetery the use of above ground headstones is permitted. All above ground headstones shall be granite with carved lettering. Bright colored exotic granite is not allowed, as are brightly colored inlaid lettering, and laser-cut or photographic likenesses of the deceased or any other image. Bronze appliqués are not allowed. Before any headstone or monument shall be erected, a drawing of said headstone or monument, complete with all dimensions, words, fonts, and type of material must first be submitted to the Department of Public Works for approval.

One (1) above ground monument may be erected on a four (4) or six (6) grave lot in specified allowable areas of the cemetery. The monument is to be placed in the center of the specified lots and measurements cannot exceed 3' (height) x 1' (depth) x 4' (length).

A concrete foundation, installed by the Department of Public Works, is required for each above ground monument. Please see the charge for this service at the end of this document.

13. FLUSH MARKERS

The only type of flush markers permitted on single graves at Shawsheen Cemetery are granite and white marble with carved lettering or Veteran's Administration provided bronze with raised lettering. The dimensions of the flush marker must be one foot by two feet in size and it is installed flush at the foot of the grave. One additional marker per grave is allowed under the following conditions:

- 1) The second flush marker is a bronze veteran's marker; and/or
- 2) The second marker is for cremains placed in the grave.

For two adjacent single graves, a single one foot by three foot granite or bronze flush marker installed equally on both graves is allowed in lieu of the one foot by two foot flush markers allowed one each grave. *For the Ridge Cremation Garden a one foot by three foot granite or bronze flush marker, installed in the center of the four foot by four foot lot is allowed.* Baby graves may have a one foot by one foot flush granite marker. Where there have been four (4) grave lots designated within flush marker areas of the cemetery, a one (1) foot by three (3) foot flush granite marker may be placed in the center of the four (4) graves as a family marker, in addition to the individual one (1) foot by two (2) foot flush markers placed on the individual graves of the lot.

The Department of Public Works is the only entity allowed to install flush markers. Orders for installation of flush markers are accepted in the spring when the frost is out of the ground until November 15th.

With the exception of the dimensional requirements, all flush markers must conform to the same material and style regulations as monuments and be approved by the Department of Public Works.

In the following sections of Shawsheen Cemetery, only flush markers can be installed:

| | |
|----------------------------|-------------|
| Morningside 1 | Rows A & D |
| Morningside 2 | Rows A & D |
| Morningside 3 | Rows A & D |
| Morningside 4 | Row D |
| The Range Area | Entire Area |
| The Ridge Section | Entire Area |
| The Ridge Cremation Garden | Entire Area |

14. CHARGES

The prices for the exclusive burial rights in any lot or grave in the Shawsheen Cemetery, the charges for opening a grave and making an interment, the charge for setting flush markers, and the charge for installing monument foundations shall be determined from time to time by the Department of Public Works with approval of the Selectmen, and all payments must be made in advance and before any interment shall be permitted. A schedule of the current rates and service fees is included at the end of this booklet.

15. ENFORCEMENT OF RULES

The Director of the Department of Public Works is hereby empowered to enforce all rules and regulations. The Department of Public Works shall have charge of the grounds and buildings including the conduct of funerals, traffic, lot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

No grave so conveyed by the Department of Public Works shall be re-conveyed by the owner thereof or the heirs, executors or administrator of said owner to any person or entity except to a person related by blood or marriage to said owner or to a member of the immediate family of said owner or to the Town of Bedford for a payment equal to the original purchase price.

Any person who produces a deed for the exclusive burial rights in any lot or grave in Shawsheen Cemetery shall be considered to have the authority to order an opening of a grave at that site, subject to these regulations, and any person who orders an interment will be held responsible for any and all expenses resulting from said order.

Automobiles and vehicles must be kept under complete control at all times. Driving off any paved roadway surface is strictly prohibited.

The throwing or leaving of rubbish on the roads and paths, or any part of the grounds, is strictly prohibited. Visitors to the Cemetery are encouraged to carry out all discarded plants and trimmings from their graves.

It is of the utmost importance that there should be strict observance of the properties of good conduct in the cemetery. Therefore, all persons within the cemetery shall avoid conduct unbecoming a sacred place, such as:

1. Loud or boisterous talking.
2. Peddling or soliciting the sale of any commodity within the cemetery.
3. Placing of signs or notices or advertisements of any kind within the cemetery.
4. Playing, loitering or walking of dogs or other animals into the cemetery.
5. Animals (including but not limited to) dogs and horses, with the exception of seeing-eye dogs, or animals used in official ceremonies.
6. Usage of indecent, abusive and/or loud language.
7. Committing malicious or wrongful acts and stealing in any form.
8. Alcohol or Narcotics.
9. Fireworks.
10. Paint ball playing.
11. Disturbing public or private landscaping.
12. Leaving trash and expired grave decorations left on the premise.
13. Operating recreation vehicles, snowmobiles, all-terrain vehicles, skateboards, scooters and bicycles.
14. Photographing for commercial purposes.
15. Bringing firearms into the cemetery, except by a military escort accompanying a Veteran's funeral or attending memorial services.
16. Stone rubbing.
17. Modifying monuments or markers except by licensed stone cutters or monument installers with prior approval of the Department of Public Works.

It is the duty of the Department of Public Works to see that the rules and regulations are complied with, to see that order is maintained, and to protect and promote the best interests of Shawsheen Cemetery. To that end, the Department of Public Works is authorized to make temporary additional rules, which may be needed from time to time, to meet emergencies, which are not covered by these rules and regulations. Included is the ability to close the cemetery to the public during burial ceremonies, if needed in the opinion of the Director of Public Works or to schedule funerals so as to prevent conflicting ceremonies.

The Town of Bedford reserves the right to adopt additional rules and regulations or to amend, alter, exempt, or repeal any rule, regulation, article, section, paragraph, or sentence in these rules and regulations, at any time.

These rules, regulations and prices set forth shall be set and approved by the Selectmen and administered by the Department of Public Works.

TOWN OF BEDFORD
CEMETERY RATES AND SERVICE FEES
Adopted May 3, 2010

| GRAVE SALES | FEE |
|---|----------|
| Sale of One (1) Regular Grave | \$800.00 |
| 60 % Town of Bedford | |
| 40 % Perpetual Care | |
| Sale of One (1) Cremation lot in the Ridge Garden Section | \$400.00 |
| 60 % Town of Bedford | |
| 40 % Perpetual Care | |
| Sale of One (1) Baby Grave | \$200.00 |
| 60 % Town of Bedford | |
| 40 % Perpetual Care | |

BURIAL FEES FOR RESIDENTS

| | |
|--------------------|----------|
| Full Grave Opening | |
| • Weekdays | \$500.00 |
| • Saturday | \$750.00 |
| • Sunday/Holidays | \$850.00 |
| Baby Grave Opening | |
| • Weekdays | \$100.00 |
| • Saturday | \$150.00 |
| • Sunday/Holidays | \$150.00 |
| Cremation Burial | |
| • Weekdays | \$150.00 |
| • Saturday | \$300.00 |
| • Sunday/Holidays | \$300.00 |

MARKERS and MONUMENTS

| | |
|---------------------------|----------|
| Flush Marker Installation | \$80.00 |
| Veteran Flush Marker | N/C |
| Foundation Installation | \$300.00 |

ADDITIONAL FEES

| | |
|--|----------|
| Next Day Interment (Weekday) | \$200.00 |
| Only 24 hours Notice for Saturday Interment | \$200.00 |
| Winter Burial (December 15 th to March 15 th) | \$200.00 |

